

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FORREST KENDRID,

Plaintiff,

v.

L. MILLER, et al.,

Defendants.

No. 2:21-cv-0612 KJM KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 17, 2021, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff did not file objections to the findings and recommendations.

It appears from the file that plaintiff's copy of the findings and recommendations was returned, but plaintiff was properly served.¹ It is the plaintiff's responsibility to keep the court

¹ The CDCR inmate locator notes plaintiff is no longer in CDCR custody. (See <https://inmatelocator.cdcr.ca.gov> (accessed July 14, 2021)). The Court may take judicial notice of public records available on online inmate locators. See *United States v. Basher*, 629 F.3d 1161, 1165 (9th Cir. 2011) (taking judicial notice of Bureau of Prisons' inmate locator available to the

1 apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents
2 at the record address of the party is fully effective.

3 The court presumes that any findings of fact are correct. *See Orand v. United States*,
4 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
5 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law
6 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
7 . . ."). Having reviewed the file, the court finds the findings and recommendations to be
8 supported by the record and by the proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed June 17, 2021, are adopted in full; and
- 11 2. This action be dismissed without prejudice.
- 12 3. The Clerk of Court is directed to close this case.

13 DATED: August 5, 2021.

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16 CHIEF UNITED STATES DISTRICT JUDGE
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27 public); *see also Foley v. Martz*, No. 3:18-cv-02001-CAB-AGS, 2018 WL 5111998, at *1 (S.D.
28 Cal. Oct. 19, 2018) (taking judicial notice of CDCR's inmate locator).